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10/811,774

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Philip Ted Kortum

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PATEL, DHAIRYA A

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/811,774	Applicant(s) KORTUM ET AL.	
	Examiner Dhairya A. Patel	Art Unit 2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communication filed on 5/20/2010. Claims 1-7,9-21 are subject to examination. Claims 8, 22 are cancelled.
2. This amendment has been fully considered and entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3,5-7,9-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitsoulakis et al. U.S. Patent Publication # 2003/0035471 A1 (hereinafter Pits) further in view of Flyntz et al. U.S. Patent Publication # 6,389,542 (hereinafter Flyntz) further in view of Huyge et al. U.S. Patent Publication # 2004/0034872 (hereinafter Huyge)

As per claim 1, Pits teaches a method of indicating connectivity comprising:

-determining whether a communication link is established (Fig. 1 element 104) between a modem (Fig. 1 element 102) and a network aggregation point (i.e. DSL provider) (Fig. 5 element 508) (Paragraph 34, 39);

NOTE: The reference teaches each of the computers connected to the Ethernet hub on the access device (between the modem). The access device is connected to a single DSL line through which DSL services are provided by the

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DSL service provider (a network aggregation point). In Paragraph 34 and Table 1, Pits also teaches DSL LED indicates the DSL connection and the synchronization with asymmetric DSL (ADSL) transceiver unit (ATU). When DSL is connected and is synchronized with ATU-C, the DSL LED shows green light. When DSL is connected and is not synchronized with ATU-C, the DSL LED shows yellow light. When there is no DSL connection, the DSL LED shows no light (determining communication link is established).

-visually indicating an existence of the communication link at a first location of the modem (Fig. 4 element 402) (Paragraphs 34, 37) when the communication link is established (Paragraph 34) (Table 1); and

NOTE: The reference teaches Ethernet hub has an Ethernet link LED (Fig. 4 element 402) (visually indicating existence of the link) which indicates the link status. When there is an Ethernet connection at an Ethernet hub (modem), the associated Ethernet link LED shows green light otherwise, when there is not connection, the Ethernet link shows no light. Pitsoulakis specifically states, the DSL LED (Fig. 2 element 206) indicates the DSL connection and the synchronization with asymmetric DSL (ADSL) transceiver unit (ATU). This means there is a communication link between the modem of the user which the access device and the network aggregation point which is (DSL connection with the DSL transceiver unit). In Paragraph 34 and Table 1, Pits also teaches DSL LED indicates the DSL connection and the synchronization with asymmetric DSL (ADSL) transceiver unit (ATU). When DSL is connected and is synchronized with ATU-C, the DSL LED shows green light. When DSL is connected and is not

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synchronized with ATU-C, the DSL LED shows yellow light. When there is no DSL connection, the DSL LED shows no light (determining communication link is established).

Pits teaches determining whether a user of the modem is authorized to access an information service (Paragraph 83, 84) and determining whether the modem is authorized to have access to an information service to be provided over the communication link and visually indicating at a second location of the modem whether the user of the modem is authorized to have access to the information service (Paragraph 34, 37) (Table 1, 2) (Fig. 4 element 404).

NOTE: The reference teaches Ethernet activity LED (Fig. 4 element 404) which indicates activity status. The reference also teaches when there is an Ethernet connection; the associated Ethernet activity LED flashes yellow light in a frequency relative to the intensity of the activities over the Ethernet connection. This shows the accessibility of the information service at the Ethernet hub (modem).

Pits does not teach extinguishing a visual indication of accessibility of the information service when the information service is not in operation.

Flyntz specifically teaches extinguishing a visual indication of accessibility of the information service when the information service is not in operation (column 11 lines 43-46)(column 13 lines 26-28) determining whether a user of the modem is authorized to access to an information service (column 11 lines 43-55) and visually indicating at a second location of the modem whether the user of

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the modem is authorized to access the information service (column 11 lines 50-55)(column 12 lines 7-10)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Flyntz's teaching in Pits's teaching to come up with having modem accessing information service and visually indicating whether the user of the modem is authorized to access the information service. The motivation for doing so would be to notify the user that system is online and operational and the user is authorized, when the user sees the LED indicators on the modem.

Although Flyntz teaches extinguishing a visual indication of accessibility of the information service when the information service is not in operation, Huyge specifically shows that extinguishing a visual indication of accessibility of the information service when the information service is not in operation (Fig. 2 element "0" "device off" at which point on LED light shown) (Paragraph 16, 17 and part of Paragraph 19). Huyge also teaches determining whether the modem is authorized to have access to an information service to be provided over the communication link (Paragraph 8, claim 1 of Huyge).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Huyge's teaching in Pit's and Flyntz's teaching to come up with having extinguishing a visual indication of accessibility of the information when the information service is not in operation. The motivation for doing so would be to let the user know that the information service i.e. modem has been shut down either accidentally or purposefully by

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pushing the button for “a long push” which turns the modem off, therefore the LED shut off will alert the user that modem is off.

As per claim 2, Pits, Flyntz and Huyge teaches the method of claim 1, but Pits further teaches further comprising: utilizing a first light emitting diode (Fig. 4 element 402) to indicate whether the communication link is established (Paragraphs 34, 37); and utilizing a second light emitting diode (Fig. 4 element 404) to indicate accessibility of the information service (Paragraphs 34, 37) (Table 1, 2).

NOTE: The reference teaches Ethernet hub has an Ethernet link LED (Fig. 4 element 402) (visually indicating existence of the link) which indicates the link established. The reference teaches Ethernet activity LED (Fig. 4 element 404) which indicates activity status (access of the information source).

Flyntz specifically teaches utilizing a second light emitting diode (Fig. 1 element 18) to indicate whether the user of the modem is authorized to access the information service (column 11 lines 50-55)(column 12 lines 7-10)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Flyntz's teaching in Pits and Huyge's teaching to come up with having utilizing LED to indicate whether the user of the modem is authorized to access the information service. The motivation for doing so would be to notify the user that system is online and operational when the user sees the LED indicators on the modem.

As per claim 3, Pits, Flyntz and Huyge teaches the method of claim 1, but Pits further teaches further comprising executing a Point to Point Protocol over

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Ethernet client in connection with establishing the communication link (Paragraph 43).

As per claim 5, Pits, Flyntz and Huyge teaches the method of claim 1, but Pits further teaches further comprising communicating information from the information service to the modem via the network aggregation point (Paragraph 37).

As per claim 6, Pits, Flyntz and Huyge teaches the method of claim 1, but Pits further teaches wherein the modem comprises a user interface having visual display capabilities (Fig. 2 elements 204,206,208,210,212)(Fig. 4 elements 402,404).

As per claim 7, Pits teaches the method of claim 6, wherein the user interface comprises the first location (Fig. 4 element 402) and the second location (Fig. 4 element 404)(Paragraph 37).

As per claim 9, Pits, Flyntz and Huyge teaches the method of claim 1, but Pits further teaches wherein the modem comprises a digital subscriber line (DSL) modem (Paragraph 14, 75).

As per claim 10, Pits, Flyntz and Huyge teaches the method of claim 1, but Pits further teaches wherein the modem comprises a cable modem (Paragraph 75)

As per claim 11, Pits, Flyntz and Huyge teaches the method of claim 1, but Pits further teaches wherein the network aggregation point comprises a cable modem termination system (Paragraph 75)

As per claim 12, Pits, Flyntz and Huyge teaches the method of claim 1, but Pits further teaches wherein the network aggregation point comprises a digital subscriber line access multiplexer (Paragraphs 39,40).

As per claim 13, Pits, Flyntz and Huyge teaches the method of claim 1, but Flyntz further teaches further comprising disabling the visual indication of the existence of the communication link in response to recognizing a loss of the established communication link (column 11 lines 43-46)(column 13 lines 26-28).

As per claim 14, Pits teaches a system, comprising:

- a display element coupled to a housing component (Fig. 2 element 204,206,208), wherein the display element includes a visual display portion (Fig. 2 element 204,206,208,210,212);

NOTE: The reference teaches visually displaying LED which a housing component (Fig. 204,206,208,210)

- wherein the housing component at least partially defines an enclosure (Fig. 2 element 204,206,210,208,212) (Fig. 3, 4);

NOTE: The displaying LED are partially defining enclosure since this is an open area of viewing the LED's.

- a broadband modem unit (Fig. 2 element 200) secured within the enclosure (Fig. 2 element 204,206,208,210,212);

- a link detection mechanism communicatively coupled to the broadband modem unit and operable to output a link signal in response to a determination that a communication link exists between the broadband modem unit and a

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network aggregation point (Fig. 5 element 508) (i.e. DSL provider) (Paragraphs 34, 37); and

NOTE: The reference teaches Ethernet hub has an Ethernet link LED (Fig. 4 element 402) (output link signal) which indicates the link status. When there is an Ethernet connection at an Ethernet hub (modem), the associated Ethernet link LED shows green light otherwise, when there is not connection, the Ethernet link shows no light. Pitsoulakis specifically states, the DSL LED (Fig. 2 element 206) indicates the DSL connection and the synchronization with asymmetric DSL (ADSL) transceiver unit (ATU). This means there is a communication link between the modem of the user which the access device and the network aggregation point which is (DSL connection with the DSL transceiver unit).

-a data detection mechanism operable to output authorization signal in response to a determination that a user of the system is authorized to access the remote information service (Paragraphs 34, 37);

NOTE: The reference teaches when there is an Ethernet connection (remote information service) at an Ethernet hub (modem); the associated Ethernet link LED shows green light otherwise, when there is not connection, the Ethernet link shows no light.

-a first indicator (Fig. 4 element 402) operable to be displayed within the display element in response to the link signal (Paragraphs 34, 37); and

NOTE: The reference teaches Ethernet hub has an Ethernet link LED (Fig. 4 element 402) (a first indicator) which indicates the link status. When there

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is an Ethernet connection at an Ethernet hub (modem), the associated Ethernet link LED shows green light otherwise, when there is not connection, the Ethernet link shows no light.

-a second indicator (Fig. 4 element 404) operable to be displayed within the display element in response to the authorization signal (Paragraphs 34, 37) (Table 1, 2).

NOTE: The reference teaches Ethernet activity LED (Fig. 4 element 404) which indicates activity status. The reference also teaches when there is an Ethernet connection; the associated Ethernet activity LED flashes yellow light in a frequency relative to the intensity of the activities over the Ethernet connection. This shows the access signal i.e. since there is activities with the network (modem).

Pits does not teach the data detection mechanism operable to extinguish the access signal when the remote information service is not in operation.

Flyntz specifically teaches a data detection mechanism operable to output authorization signal in response to determination that a user of the system is authorized to access the remote information service (column 11 lines 43-55)(column 12 lines 7-10), data detection mechanism operable to extinguish the access signal when the remote information service is not in operation (column 11 lines 43-46)(column 13 lines 26-28) a second indicator (Fig. 3 element 315,325) operable to be displayed within the display element in response to the authorization signal (column 11 lines 50-55)(Column 12 lines 7-10)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Flyntz's teaching in Pits's teaching to come up with having modem accessing information service and visually indicating whether the user of the modem is authorized to access the information service. The motivation for doing so would be to notify the user that system is online and operational and the user is authorized, when the user sees the LED indicators on the modem.

Flyntz teaches data detection mechanism operable to extinguish the access signal when the remote information service is not in operation, Huyge specifically teaches data detection mechanism operable to extinguish the authorization signal when the remote information service is not in operation (Fig. 2 element "0" "device off" at which point on LED light shown) (Paragraph 16, 17 and part of Paragraph 19).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Huyge's teaching in Pit's and Flyntz's teaching to come up with having extinguishing a visual indication of accessibility of the information when the information service is not in operation. The motivation for doing so would be to let the user know that the information service i.e. modem has been shut down either accidentally or purposefully by pushing the button for "a long push" which turns the modem off, therefore the LED shut off will alert the user that modem is off.

As per claim 15, Pits, Flyntz and Huyge teaches the system of claim 14, but Pits further teaches wherein the display element comprises a plurality of light

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emitting diodes (Fig. 2 element 204,206,208,210,212) within the visual display portion and further wherein the first indicator comprises a first lighted one of the plurality of light emitting diodes and the second indicator comprises a second lighted one of the plurality of light emitting diodes (Paragraph 34, 37).

As per claim 16, Pits, Flyntz and Huyge teaches the system of claim 14, but Pits further teaches wherein the broadband modem unit comprises a cable modem (Paragraph 75).

As per claim 17, Pits, Flyntz and Huyge teaches the system of claim 14, but Pits further teaches wherein the broadband modem unit comprises a digital subscriber line (DSL) modem (Paragraphs 14, 75).

As per claim 18, Pits, Flyntz and Huyge teaches the system of claim 14, but Pits further teaches further comprising a point to point protocol over Ethernet (Pope) client executing on a processor secured within the enclosure (Paragraph 43).

As per claim 19, Pits teaches a method comprising:

-providing a subscriber with a broadband modem comprising a first indicator (Fig. 4 element 402) operable to display a connectivity status indicating whether a connection exists between the broadband modem and a network aggregation node (Paragraphs 34,37); and

NOTE: The reference teaches Ethernet hub has an Ethernet link LED (Fig. 4 element 402) (visually indicating existence of the link) which indicates the link status. When there is an Ethernet connection at an Ethernet hub (modem), the associated Ethernet link LED shows green light otherwise, when there is not

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connection, the Ethernet link shows no light. Pitsoulakis specifically states, the DSL LED (Fig. 2 element 206) indicates the DSL connection and the synchronization with asymmetric DSL (ADSL) transceiver unit (ATU). This means there is a communication link between the modem of the user which the access device and the network aggregation point which is (DSL connection with the DSL transceiver unit).

-a second indicator (Fig. 4 element 404) operable to display an authorization status (Paragraphs 34, 37) (Table 1,2).

NOTE: The reference teaches Ethernet activity LED (Fig. 4 element 404) which indicates activity status. The reference also teaches when there is an Ethernet connection; the associated Ethernet activity LED flashes yellow light in a frequency relative to the intensity of the activities over the Ethernet connection. This shows the modem has access to the information service at the Ethernet hub (modem).

-providing a broadband data service to the subscriber (Paragraph 42).

NOTE: The reference teaches DSL service provider providing DSL services to the user.

Pits does not teaches the second indicator operable to indicate when the remote information service is not in operation.

Flyntz further teaches a second indicator (Fig. 13, 18, 27) operable to display an authorization status indicating whether a user of the broadband modem is authorized to access the remote information service (column 11 lines 43-55)(column 12 lines 7-10)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Flyntz's teaching in Pits's teaching to come up with having modem accessing information service and visually indicating whether the user of the modem is authorized to access the information service. The motivation for doing so would be to notify the user that system is online and operational and the user is authorized, when the user sees the LED indicators on the modem.

Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitsoulakis et al. U.S. Patent Publication # 2003/0035471 A1 (hereinafter Pits) further in view of Flyntz et al. U.S. Patent Publication # 6,389,542 (hereinafter Flyntz) further in view of Brown et al. U.S. Patent # 6,823,480 (hereinafter Brown)

As per claim 20, Pits, Flyntz teaches the method of claim 19, but does not explicitly teach Brown further teaches further comprising: receiving a trouble shooting request from the subscriber, the trouble shooting request relating to the broadband service (column 4 lines 56-67) (column 5 lines 1-5, lines 17-28); and prompting the user to observe the first and second indicator (column 4 lines 66-67) (column 5 lines 1-5, lines 17-28). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Brown's teaching in Pits and Flyntz's teaching to come up with receiving trouble shooting request and prompting the user to observe the indicators. The motivation for doing so would be so the user can alert the trouble shooter in

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regards with how the LEDs are blinking that way, the troubleshooter can diagnose the problem.

As per claim 21, Brown teaches the method of claim 20, further comprising: receiving a communication indicating that the first indicator displays a positive connectivity status and the second indicator displays a negative data status (column 5 lines 40-64) and informing the user that the user is not authorized to access the remote information service (Fig. 5)(column 6 lines 39-42).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pits in view of Flyntz further in view of Huyge further in view of Hartmaier et al. U.S. Patent # 6,553,022 (hereinafter Hartmaier)

As per claim 4, Pits, Flyntz and Huyge teaches the method of claim 1, but is silent in teaching communicating a user credential to an authentication server to request access to the information service. Hartmaier teaches communicating a user credential to an authentication server to request access to the information service (column 5 lines 21-36). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention as was made to implement Hartmaier's teaching in Pits, Flyntz and Huyge's teaching to come up with communicating user credentials to a authentication server in connection with authorizing access. The motivation for doing so would be check whether the subscriber is an authorized subscriber to the ISP, therefore granting access if the credentials match, or denying access if credentials are invalid (column 5 lines 21-36).

Response to Arguments

Applicant's arguments with respect to claims 1-79,21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A). "Method and Apparatus for Telephone Line Testing" by Starr et al. U.S. Patent # 7,003,078.

B). "Method and Apparatus for decreasing cable installation time and cable installation faults" by Cloonan et al. U.S. Patent # 7,047,553 (hereinafter Cloonan)

4. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the applicant (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory

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period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhairya A. Patel whose telephone number is 571-272-5809. The examiner can normally be reached on Monday-Friday 8:00AM-5:30PM, first Fridays OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DAP

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2451